IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 2513 of 2007

For Approval and Signature:

HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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KANTABEN SHRIKRISHNA AGRAWAL
Versus
DECEASED HARIBHAI TALSHIBHAI PATEL THRO HIS HEIRS-BAI AND OTHERS

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Appearance :
MR AD OZA WITH MR DIPAK R DAVE for the Petitioner
MR MIHIR THAKOR, SENIOR COUNSEL assisted by MR THAKKAR for the Respondents

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CORAM : HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

Date : 18/04/2007

ORAL JUDGMENT

1. **RULE**. Mr.Mihir Thakor, learned Senior Counsel appearing with learned Advocate Mr.Thakkar waives service of Rule on behalf of the respondents.

2. After the matter is heard at length, a consensus is arrived that delay caused in filing the restoration application be condoned and the judgment and order dated

22.11.2006 rejecting that application be quashed and set aside. Order accordingly.

3. Learned Advocate Mr.Oza, appearing with Mr.Dave, learned Advocate for the petitioner apprehends that during the time the restoration application will be heard, which is already filed, the other side may dispose of the land in question.

4. Learned Senior Counsel Mr.Thakor states that let the restoration application be heard and decided in a time frame and till the restoration application is moved along with prayer for interim relief, his clients will not deal with the property.

At the request of Mr.Thakor, learned Senior Counsel appearing with learned Advocate Mr.Thakkar, for the respondents, it is clarified that this condonation of delay will not prejudice the right of the defendants to contest the application for restoration on merits. The restoration application, which is already filed, be moved for hearing on or before 04.05.2007.

5. The petition is allowed. Rule is made absolute with no order as to costs. Direct service is permitted.

(RAVI R.TRIPATHI, J.)

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